

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

By this Amendment, claims 1, 5, and 6 are amended, and claims 2-4 are canceled without prejudice or disclaimer. In addition, new claim 7 is added to secure an appropriate scope of protection to which Applicants are believed entitled. Support for the added claim is believed to be found at least Fig. 3, reference character 36, and page 12, lines 22-24 of the present specification. Accordingly, claims 1 and 5-7 are pending in this application.

Claims 1-3 stand rejected under 35 U.S.C. §102(b) over Kitamura et al. (JP 56-18883). In addition, claim 4 stand rejected under 35 USC 103(a) as obvious over Kitamura in view of Nishii et al. (JP 06-32123). Still further, claims 5-6 stand rejected under 35 USC 103(a) as obvious over Okuda (JP 2003302116) in view of Kitamura. In response to these rejections, the claims are amended and believed to be patentable for the reasons discussed below.

As amended, independent claim 1 recites,

a first cooled air introducing pipe introducing a first cooled air cooled by an air refrigerant type cooling apparatus,

a second cooled air introducing pipe taking in second cooled air in said cooling warehouse, wherein said second cooled air introducing pipe is set inside said cooling warehouse;

a duct in the cooling warehouse; and

a connective portion inside the cooling warehouse connecting the first cooled air introducing pipe to the duct in the cooling warehouse at a downstream side of the connective portion with the second cooled air introducing pipe, wherein the connective portion is configured to mix said first cooled air and said second cooled. (Emphasis added)

More specifically, independent claim 1 is amended to at least include the subject matter of claim 4 that recites wherein the second cooled air introducing pip is set inside the cooling warehouse. In the Office Action the Examiner admits that Kitamura fails to disclose this feature

and relies upon Nishii to remedy the features of Kitamura. Based at least upon this amendment to claim 1, Applicants respectfully submit that Kitamura fails to anticipate amended claim 1.

Furthermore, regarding the rejection under 35 USC 103(a), as presented below, amended claim 1 is allowable over the alleged combination of Kitamura and Nishii for the failure of the applied art to not only disclose, teach or suggest at least the above recited claim feature, but in addition fails to present any apparent reason to combine references or modify prior art to create the Applicants' allegedly obvious claim elements.

As amended, claim 1 recites "a connective portion inside the cooling warehouse connecting the first cooled air introducing pipe to the duct in the cooling warehouse at a downstream side of the connective portion with the second cooled air introducing pipe, wherein the connective portion is configured to mix said first cooled air and said second cooled. Applicants respectfully submit that neither applied reference discloses or suggests the connective portion inside the cooling warehouse, as recited in claim 1. The Examiner alleges that Nishii discloses in Fig. 1, the subject matter of original claim 4 now incorporated in claim 1. Applicants respectfully disagree.

Nishii appears to only disclose a self-contained refrigeration system within a cooling warehouse that includes a fan to blow the cold off an evaporator and where the air is returned to the evaporator through a lower floor ventilation rail c. Nowhere does Nishii disclose first pipes or second pipes, a duct, or a connective portion connecting the first pipe with the second pipe.

Furthermore, Kitamura appears to only disclose a warehouse cooling system wherein the compressor and evaporator are outside the cooling warehouse and pipes are used to deliver cold air to the cooling warehouse. Applicants respectfully submit that one of ordinary skill in the art would not be motivated to combine the self-contained warehouse cooling system of Nishii with the external cooling system disclosed by Kitamura.

Based upon the arguments presented above, Applicants respectfully submit that claim 1 is patentable not only due to the failure of Kitamura in view of Nishii to disclose, teach or motivate all recited features of the claims, but are also patentable based upon the improper combination of Kitamura and Nishii. Accordingly, withdrawal of this rejection is respectfully requested.

Independent claims 5 and 6 recite air refrigerant type cooling system and a transportation apparatus comprising the cooling warehouse recited in claim 1, and are likewise patentable over the alleged combination of references.

Withdrawal of the rejections under 35 USC 103(a) is respectfully requested.

New claim 7 depends from claim 1 is and likewise allowable, at least based upon its dependence on an allowable base claims as well as for reciting “a cooled-air feeding fan disposed in the warehouse and configured to supply the second cooled air to be mixed with the first cooled air at the connective portion.” Nowhere does either Kitamura or Nishii, disclose a fan disposed in the cooling warehouse, as recited in new claim 7.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

The Examiner is invited to telephone the undersigned attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

KANESAKA BERNER & PARTNERS

Benjamin J. Hauptman
Registration No. 29,310

1700 Diagonal Road, Suite 310
Alexandria, Virginia 22314
(703) 519-9785
(703) 519-7769 Facsimile
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BJH:ERM/tal